

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| ANGEL J. RODRIGUEZ, | : | |
| Plaintiff, | : | <u>ORDER ADOPTING REPORT</u> |
| | : | <u>AND RECOMMENDATION</u> |
| v. | : | |
| | : | 16 CV 1447 (VB) |
| HEINCHON MARCUS DISTRIBUTORS, LLC, | : | |
| Defendant. | : | |
| -----X | : | |

Briccetti, J.:

Before the Court is Magistrate Judge Paul E. Davison’s Corrected Report and Recommendation (“R&R”), dated November 10, 2016 (Doc. #24), in response to the Court’s Order of Reference for an inquest on damages. (Doc. #15).

Judge Davison recommended entry of a Judgment against defendant Heinchon Marcus Distributors, LLC, in the total amount of \$64,057.26. Specifically, Judge Davison recommended that plaintiff be awarded damages as follows: overtime wages in the total amount of \$25,277.34; liquidated damages in the total amount of \$25,277.34; and attorneys’ fees and costs in the total amount of \$13,502.58.

Familiarity with the factual and procedural background of this case is presumed.

For the following reasons, the Court adopts the R&R as the opinion of the Court.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific[,] written,” and submitted within 14 days after being

served with a copy of the recommended disposition. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1).

Insofar as a report and recommendation deals with a dispositive motion, a district court must conduct a de novo review of those portions of the report or specified proposed findings or recommendations to which timely objections are made. 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the record. Lewis v. Zon, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). The clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. Ortiz v. Barkley, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

No party has objected to Judge Davison's thorough and well-reasoned R&R.

The Court has carefully reviewed the R&R and finds no error, clear or otherwise.

CONCLUSION

Accordingly, the R&R is adopted in its entirety as the opinion of the Court.

The Clerk is instructed to enter a Judgment awarding damages in favor of plaintiff Angel J. Rodriguez and against defendant Heinchon Marcus Distributors, LLC, in the total amount of \$64,057.26, as follows:

1. Overtime wages in the total amount of \$25,277.34;
2. Liquidated damages in the total amount of \$25,277.34; and
3. Attorneys' fees and costs in the total amount of \$13,502.58.

After entering Judgment as directed, the Clerk is instructed to close this case.

Dated: December 28, 2016
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge